
Guests Who Stay Too Long

Do you have someone staying at your home and you are finding it hard to get them to leave? Maybe it's a friend or family member who was facing hard times or an adult child who has not left. Here are things to think about when deciding how to deal with this.

Try to Talk it Out

Try to work out an agreement with your guest. If you sit down and talk about it, you may come up with an idea or solution that works for everyone. If you can work it out, you can avoid getting the police or the court involved.

Ask the guest to leave. Pick a date that gives them time to pack and find a new place to stay.

If the guest doesn't want to leave, think about offering some money to help out if you have it. This seems like it doesn't make sense, but if you have to go to court to try to evict them it could cost more.



Tell your guest that you are trying to help them avoid an arrest or an eviction on their record.

If you reach an agreement, put it in writing. Write down each thing you agreed on so there is no confusion later if your guest does not follow through.

Give a Notice to Your Guest and Call the Police

If you told your guest you want them to leave but they won't, that can be considered trespassing. You can call the police, but it might be hard to prove to the police that the person no longer has your permission to live there.

Because the guest was probably staying at your home with your permission at first, it is a good idea to write out a notice saying, "I am taking back my permission for you to live in my home. Please take your belongings and leave by [enter a reasonable date]."

Give a copy to them and keep a copy for yourself. If the guest has not left by that date, you can call the police and ask the officers to remove the person as a trespasser. You will have the notice as proof that you asked them to leave.

The police might remove the guest. If this happens they could end up with an arrest record. It is also possible that the police might say that they won't decide if your guest is a trespasser or not. They might tell you a court has to decide.

Ask the Court to Evict the Guest

If you want to ask the court to evict someone, you may have to show that the person you want to evict is a "tenant" and you are a "landlord" with a legal basis to evict. This would be things like: unpaid rent, violating a lease, or staying past a proper notice to end permission to live there. You may be able to claim that the person is unlawfully detaining possession of your home without saying the person is a tenant. The eviction process can take several weeks or even a few months, and will cost at least \$322. It is a good idea to get legal advice before you file an eviction action in court. If you are low income you may qualify for a fee waiver. Ask the court clerk about this.

There are legal issues if you claim a landlord/tenant relationship

In some cities you can't rent without a rental license. Sometimes you need special homeowner's insurance to have renters. Check with your city. If you don't have these things but are supposed to, you could get in legal trouble. You may want to talk to a lawyer to figure out if claiming a landlord/tenant relationship is a good idea or not.

To start a landlord/tenant relationship, demand rent payments in writing. If the guest does not pay rent within 14 days, start an eviction action in court. If the guest does pay rent, you can still evict them, but it will take longer because you have to give proper notice for them to move.

By law a landlord has to give a tenant a full rent-paying-period's notice to move out.

For example: if the guest paid you a month's rent on June 1, you have to give written notice no later than June 30 to have them move out by July 31.

If the guest is still there on August 1, you can file an eviction action. If you win the court will issue a "Writ of Recovery." If the guest still refuses to leave, take the Writ to the county sheriff's office. A police officer will come and remove the guest. Remember, filing a court case will make an eviction action show up on your guest's record. This can make it hard for them to find another place to live.



Keep copies of all notices and agreements with the guest to help prove your case at court. Before you file an eviction action, put numbers on the bedroom doors, so the sheriff knows which part of the home the unwanted tenant lives in. You may want to call a locksmith to change the locks immediately after the police remove the guest.

Doing it Yourself – “Self-Help”

Changing the locks or doing other things to get rid of a guest without a court order is very risky. Minnesota landlords are not allowed to use “self-help” to evict tenants. **You** could end up facing court action if the guest claims they were a tenant. If you keep the guest from getting their belongings or if you damage things by putting them outside, you could be sued.

Questions? Talk to a Lawyer

If you have a low-income, you may be able to get free or low-cost legal help from your legal aid office.

To find your local legal aid office by county go to www.lawhelpmn.org/resource/legal-aid-offices.

If you do not qualify for free or low-cost legal help, you can find other lawyers by visiting www.mnfindalawyer.com.



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